

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

LARRY FERGUSON AND NICOLE FERGUSON, VC 2015-MV-013 Appl. under Sect. 18-401 of the Zoning Ordinance to permit rear yard coverage that exceeds by 30%. Located at 7892 Steadman St., Alexandria, 22309, on approx. 8,400 sq. ft. of land zoned R-3 (Cluster). Mt. Vernon District. Tax Map 101-1 ((5)) (24) 3. (Concurrent with SP 2015-MV-153). Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 9, 2016; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are Larry Ferguson and Nicole Ferguson.
2. The applicants are the owners of the property.
3. This application fails to meet the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia; specifically:
 - a. The strict application of the Zoning Ordinance would not unreasonably restrict the use of the property, and the variance would not alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance.
 - b. The property is located on an interior lot that is generally rectangular in shape with proportionally sized lot lines. The house is positioned in the middle of the lot and there is adequate room on the sides and the rear for useable yard area. The request for additional yard coverage for the concrete basketball court, brick pavers, and shed is not driven by any of the property's physical characteristics.
 - c. The applicant exceeds the allowed rear coverage by 14 percent, and this amount could be eliminated or greatly lessened and a functional rear yard and play area would still be available for use. The property is an interior lot and the required rear yard is 25 feet. Over 50 percent of the rear yard is outside of the minimum required rear yard area and the property contains sufficient space.
 - d. The paving on the property is inconsistent with other homes in the neighborhood and negatively affects adjacent properties. The concrete pad and pavers could potentially channel stormwater into adjacent lot 121

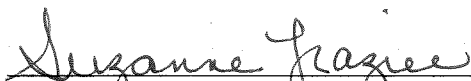
during significant rain events. The applicants could remove either a portion of either the concrete play area, brick pavers, or shed to bring the rear yard coverage within the Zoning Ordinance standards and still have a useable rear yard.

- e. The residential lots in the vicinity of the subject property are similar in area, width, and shape and contain single family dwellings. No other applications to exceed rear yard coverage have been heard by this Board on properties in this area. The conditions that exist at this site are typical for an interior lot and are of a general and recurring nature.
- f. Based on the approved building permit for the swimming pool, the applicant knew that there was a 30 percent rear yard coverage restriction because in order for that to be approved, they had to remove the concrete basketball pad in order to get the swimming pool approved on June 24, 2011. The rear yard coverage was reduced from 33 percent to 29 percent in order for that building permit to be approved. Therefore, based on these facts, the applicant was aware that there was a 30 percent rear yard coverage limitation.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **DENIED**.

Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Beard was absent from the meeting.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals